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PTO/SB/64 (11-08)

Approved for use through 12/31/2008. OMB 0651-0031

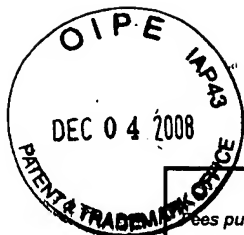
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 65445(71526)
First named inventor: Hitoshi Endou	Confirmation No.: 3295	
Application No: 10/579,173	Art Unit: N/A	
Filed: May 11, 2006	Examiner: Not Yet Assigned	
Title: REMEDY/PREVENTIVE FOR VASCULAR DISORDERS AND HYPERTENSION AND METHOD OF SCREENING THE SAME		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
(1) Petition fee;		
(2) Reply and/or issue fee;		
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and		
(4) Statement that the entire delay was unintentional.		
1. Petition fee		
<input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity – fee \$ <u>1,620.00</u> (37 CFR 1.17(m))		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of <u>Resp. to Missing Reqmts. and Notif. of Defective Resp.</u> (identify type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		
B. The issue fee and publication fee (if applicable) of \$ _____		
<input type="checkbox"/> has been paid previously on _____		
<input type="checkbox"/> is enclosed herewith.		

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FEE TRANSMITTAL For FY 2009		Complete if Known	
		Application Number	10/579,173
		Filing Date	May 11, 2006
		First Named Inventor	Hitoshi Endou
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
		Attorney Docket No.	65445(71526)
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$)	1,620.00	

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 04-1105		Deposit Account Name: Edwards Angell Palmer & Dodge LLP	

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
11	- 20 or HP	x	=

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
4	- 4 or HP	x	=

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee (\$)	Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/50 =	(round up to a whole number) x	=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1453 Petition to revive unintentionally abandoned ... 1,620.00

SUBMITTED BY			
Signature	<i>Christine C. O'Day</i>	Registration No. (Attorney/Agent)	38,256
Name (Print/Type)	Christine C. O'Day	Telephone	(617) 517-5558
		Date	December 4, 2008

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

December 4, 2008

Date

Christine C. O'Day

Typed or printed name

38,256

Registration Number, if applicable

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

Address

(617) 517-5558

Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____



Docket No.: 65445(71526)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hitoshi Endou et al.

Application No.: 10/579,173

Confirmation No.: 3295

Filed: May 11, 2006

Art Unit: N/A

For: REMEDY/PREVENTIVE FOR VASCULAR
DISORDERS AND HYPERTENSION AND
METHOD OF SCREENING THE SAME

Examiner: Not Yet Assigned

**ADDITIONAL SHEETS CONTAINING STATEMENTS ESTABLISHING
UNINTENTIONAL DELAY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This statement is submitted in support of the PETITION FOR REVIVAL
OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37
CFR 1.137(b) submitted concurrently herewith.

BACKGROUND

(1) The undersigned Attorney received a Decision on Response to Notification of Defective Response mailed on November 10, 2008 (the "Decision"). The Decision indicates that the Notification of Defective Response mailed on November 5, 2008, has been vacated and the application stands abandoned. As grounds for the Decision, it is indicated that a properly executed Declaration in accordance with 37 CFR 1.497(a) and (b) was not timely filed and Applicant is given no further opportunity to provide a compliant, fully executed Declaration (as was afforded in the Notification of Defective Response November 5, 2008).

(2) Without acquiescing to the grounds stated in the Decision, Applicant files concurrently herewith a PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) along with a Response to Notification of Defective Response and properly executed Declaration in three full counterparts (each of which contains 4 sheets). The Declaration is in full compliance with 37 CFR 1.497(a) and (b).

(3) Additionally, it is respectfully submitted that the entire delay in filing the Response and Declaration as required by 37 CFR 1.137, until the filing of a grantable petition under 37 CFR 1.137(b), was **wholly unintentional**. In particular, Applicant made several bona fide attempts to submit a timely and compliant Declaration:


- A signed Declaration was filed on March 7, 2007. That Declaration was found to be defective for failure to set forth all inventors on each signed sheet.
- A Response to a Notification of Defective Response was submitted on September 4, 2007. The position was taken that the Response failed to remedy the defect in the earlier filed Declaration.
- A Substitute Declaration was submitted on October 15, 2007, acceptance of which has been declined on the grounds that it was not timely filed (as per the Decision).
- Lastly, a Notification of Defective Response on November 5, 2008, which gave Applicant a further opportunity to satisfy the USPTO has now been vacated. The within Response would have been filed in response to that Notice.

(4) In view of the foregoing, it is requested that the present application be reinstated and that it proceed to examination without delay.

Please charge all fees, or credit any overpayments, to our deposit account No. 04-1105, under our attorney docket number 65445 (71526).

Dated: December 4, 2008

Respectfully submitted,

By 
Christine C. O'Day

Registration No.: 38,256

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P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant



Docket No.: 65445(71526)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hitoshi Endou et al.

Application No.: 10/579,173

Filed: May 11, 2006

For: REMEDY/PREVENTIVE FOR VASCULAR
DISORDERS AND HYPERTENSION AND
METHOD OF SCREENING THE SAME

Confirmation No.: 3295

Art Unit: N/A

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
AND NOTIFICATION OF DEFECTIVE RESPONSE**

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Petition to Revive an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) is being filed concurrently herewith.

In response to the Notification of Missing Requirements and Notification of Defective Response, Applicant respectfully submits a Combined Declaration and Power of Attorney duly executed by all four inventors (in three full counterparts).

The Director is hereby authorized to charge the petition fee, any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65445(71526). A duplicate copy of this paper is enclosed.

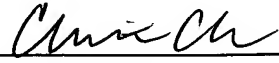
Application No.: 10/579,173

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Docket No.: 65445(71526)

Dated: December 4, 2008

Respectfully submitted,

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Christine C. O'Day

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